

Bond, Michael R.

From: George, Robert [Robert.George@tyson.com]
Sent: Monday, March 16, 2009 2:12 PM
To: Louis Bullock; Bond, Michael R.
Cc: Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; driggs@riggsabney.com; David Page; Daniel.Lennington@oag.ok.gov; Richard Garren; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
Subject: RE: Depo of AG

Louis:

Your e mail bears little resemblance to our actual conversation on Friday. However, it would be counterproductive for both sides for you and I to continue to argue about what was said in our meet and confer session. I am not interested in playing games or in making or responding to arguments based upon semantics.

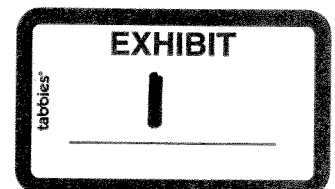
If Mr. Edmondson will appear voluntarily (i.e., without a court order) for deposition to answer questions about his office's "investigation" of the Locust Grove e coli outbreak and his repeated public claims that this outbreak was caused by poultry litter, please let me know and we can avoid burdening the Court with this dispute. Unless I hear differently from you today, I will assume that your statement on our call last Friday that Mr. Edmondson will not appear voluntarily for such a deposition remains Plaintiffs' position.

Similarly, if Plaintiffs no longer contend that the Locust Grove e coil outbreak and Mr. Edmondson's claims that this outbreak was caused by poultry litter are relevant to the issues in *Edmondson v. Tyson Foods, Inc., et al* (N.D. Okla. 05-cv-329), please confirm that in writing. Tyson has served discovery in this case related to that topic because Plaintiffs previously produced sampling results from the Locust Grove investigation in this case (despite the fact that it is in a different watershed) and Mr. Edmondson has made public comments suggesting a belief by him that his investigation into the Locust Grove outbreak is somehow relevant to the claims he has made against the Defendants in the Illinois River lawsuit. Unless Plaintiffs are willing to stipulate to the irrelevance of the Locust Grove events and investigation to the issues in the pending case, Tyson has no choice but to aggressively pursue discovery related to that topic.

Finally, I take great exception to your statement that the "[a]t this point, the State is not required to tell you what evidence it intends to offer at trial in September." Defendants have numerous outstanding discovery requests seeking precisely this information. While it is true that the Court's deadline for the parties to exchange trial exhibits has not yet passed, surely you are not taking the position that Plaintiffs' obligation to respond to discovery does not accrue until that deadline arrives.

If you still believe defendants have misunderstood your position or that there is an opportunity to resolve this dispute without defendants having to seek relief from the Court, please give Mike or I call to discuss. Otherwise we will prepare a motion and see if we can get some guidance from the Court as to how best to proceed.

Robert W. George
V.P. & Associate General Counsel
Tyson Foods, Inc.
2210 West Oaklawn Drive
Springdale, AR 72762-6999
Direct Dial: (479) 290-4076



3/19/2009

Facsimile: (479) 290-7967
Mobile: (479) 200-8261
e mail: robert.george@tyson.com

From: Louis Bullock [mailto:lbullock@bullock-blakemore.com]
Sent: Monday, March 16, 2009 12:22 PM
To: Bond, Michael R.; George, Robert
Cc: Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; driggs@riggsabney.com; David Page; Daniel.Lennington@oag.ok.gov; Richard Garren; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
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Michael:

There are three important matters that I believe you have misstated. First, I did not represent that "the Attorney General has refused to voluntarily appear for a deposition in this case to answer questions under oath about the Locust Grove matter." What I said was that the Court has already entered a protective order directing Defendants as to how to discover facts relative to this case. It is my view that Tyson was in violation of that protective order by serving a second notice for deposition upon the Attorney General after the entry of that order. It is a serious misrepresentation to suggest that the Attorney General will not voluntarily comply with the Court's discovery rules. The State of Oklahoma and its lawyers will fully comply with all of their discovery obligations.

Secondly, as to the relevance of the e-coli outbreak associated with the Country Cottage Restaurant, I stated that I would not contest a statement that the facts surrounding that incident were relevant to this matter. I believe it was Tyson who submitted that outbreak from the Country Cottage well was relevant to this case when it issued its pending discovery requests on this issue. The State will respond to those discovery requests in due time.

Finally, I certainly did not state that the State of Oklahoma will offer such evidence at trial. At this point, the State is not required to tell you what evidence it intends to offer at trial in September.

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

From: Bond, Michael R. [mailto:Michael.Bond@KutakRock.com]
Sent: Friday, March 13, 2009 4:45 PM
To: Louis Bullock; George, Robert
Cc: Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; driggs@riggsabney.com; David Page; Daniel.Lennington@oag.ok.gov; Richard Garren; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
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Thanks Louis. Your e mail left out two details that I need to confirm. First, you represented that Plaintiffs contend that the Locust Grove e coli investigation by the Attorney General and his claim that the outbreak at that restaurant was caused by poultry litter is relevant to the issues in *Edmondson v. Tyson*, N.D. Okla. 05-cv-329 and that Plaintiffs intend to introduce evidence at trial of this case relating to the Locust Grove matter if permitted to do so. Tyson reserves all objections to the relevancy and admissibility of such evidence, but in light of Plaintiffs' position believes that discovery on these claims is necessary. Second, you confirmed that I am authorized to represent in the motion to the Court that Mr. Edmondson has refused to voluntarily appear for a deposition in this case to answer questions under oath about the Locust Grove matter.

3/19/2009

If I am mistaken about either of the above two points, please let me know. I appreciate you and Mr. Lennington taking time today to discuss these issues and your cooperation in arriving at a process for the Court to expeditiously resolve this dispute.

Michael R. Bond
Kutak Rock LLP
Suite 400
234 East Millsap Road
Fayetteville, Arkansas 72703-4099
Main Telephone: (479) 973-4200
Direct: (479) 695-1946
Mobile: (479) 236-0063
Facsimile: (479) 973-0007
Email: michael.bond@kutakrock.com
www.kutakrock.com

From: Louis Bullock [mailto:lbullock@bullock-blakemore.com]
Sent: Friday, March 13, 2009 4:15 PM
To: George, Robert; Bond, Michael R.
Cc: Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; driggs@riggsabney.com; David Page; Daniel.Lennington@oag.ok.gov; Richard Garren; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
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This is to confirm that Tyson has withdrawn its notice to depose the Attorney General and will file a motion to modify the Court's previous grant of a protective order in that regard. We stated that we would not object to expedited treatment of such a motion, provided that we had an opportunity to respond before any hearing or decision. We specifically stated that we do not agree to any extension of the discovery deadline relating to a deposition of the Attorney General.

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

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Thank you.

3/19/2009

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3/19/2009